

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY KITZMILLER, et al.,)	
)	
Plaintiffs,)	Case No. 04-CV-2688
)	(Hon. Judge Jones)
v.)	
)	
DOVER AREA SCHOOL DISTRICT and)	ORDER GRANTING
DOVER AREA SCHOOL DISTRICT)	DEFENDANTS' MOTION
BOARD OF DIRECTORS,)	TO DISMISS PURSUANT
)	TO FED. R. CIV. P. 12
Defendants.)	
)	

This matter having come before this Court pursuant to Defendants Dover Area School District and Dover Area School District Board of Directors' (collectively referred to as "DASD") motion to dismiss certain Plaintiffs and claims pursuant to Fed. R. Civ. P. 12, the Court having considered the matter and being otherwise sufficiently advised;

IT IS HEREBY ORDERED, that DASD's motion is GRANTED and, therefore:

1. Plaintiffs Beth A. Eveland and Cynthia Sneath and their claims are dismissed;
2. Plaintiff Julie Smith and Plaintiffs Aralene ("Barrie") D. and Frederick B. Callahan and their claims are dismissed;

3. Plaintiffs' claim of "coerced religious practice" under Article I, § 3 of the Pennsylvania Constitution is dismissed;

4. Plaintiffs' claims of improper use of public monies and appropriations brought pursuant to Article III, §§ 15 & 29 of the Pennsylvania Constitution are dismissed.

Dated this _____ day of _____, 2005.

John E. Jones III
U.S. District Court Judge